

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

1:19-CV-610
(TJM/ATB)

\$11,000.00 in UNITED STATES CURRENCY,

Defendant.

Thomas J. McAvoy,
Sr. U.S. District Judge

ORDER

The government filed a verified complaint for forfeiture *in rem* on May 22, 2019. See dkt. # 1. The government alleged that the funds in question, \$11,000.00 in United States currency, was “money furnished or intended to be furnished in exchange for a controlled substance, proceeds traceable to such an exchange, or money used or intended to used to facilitate a violation” of United States drug laws. Id. The government alleges that the subject currency was recovered on December 20, 2018 during a “routine search” of a residence in Troy, New York that also recovered quantities of illegal drugs. Id. at ¶¶ 7-13. The government requested that the Court issue an arrest warrant *in rem* for the currency, direct any persons with claims on the currency to file and serve such claims, and then enter judgment declaring that the defendant currency should be forfeited to the United States.

The Court issued the warrant for arrest *in rem* on May 22, 2019. See dkt. # 2. The warrant directed the United States Marshal to seize the currency and to provide notice of the action to all persons thought to have an interest in the property. Id. The warrant also provided that persons who were notified because of their potential interest in the property should file a claim within thirty-five days after the notice was sent. Id. The warrant further provided that “[a]ll persons asserting an interest in the defendant property are required to file a claim in the Clerk’s Office and to answer the complaint within the times above fixed: otherwise, judgment by default will be filed for the relief demanded in the Complaint.” Id.

The United States Marshal seized the currency and served the interested parties. See dkt. #s 3-7. The government also posted a Notice of Civil Forfeiture on an official government internet site for at least thirty consecutive days beginning on March 16, 2019. See dkt. # 8. When no party made a claim on the property, the government filed a request for entry of default. See dkt. # 9. The Clerk entered default, and the government filed the instant motion for default judgment. See dkt. #s 10, 12. The government related that no one who was an infant, incompetent, or engaged in military service had a claim to the currency, and that no one had filed a timely, verified claim to the money, and therefore sought default judgment in the matter. Dkt. # 12 at ¶¶ 2-3.

Having examined the government’s filings and being satisfied that no valid claim on the currency exists, the Court finds that forfeiture to the government is appropriate. The Plaintiff’s Motion for Default Judgment, dkt. # 10, is hereby **GRANTED**, as follows:

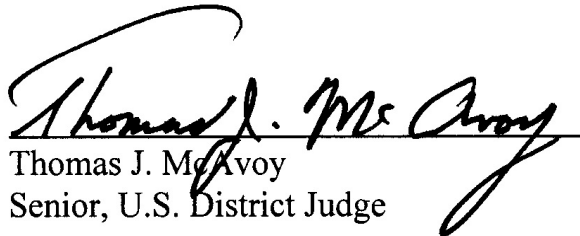
1. Judgment of Default is hereby **ENTERED** against the Defendant Currency;
2. The Defendant currency is hereby **FORFEITED** to the United States; and

3. Any claims to the Defendant Currency are hereby **FOREVER BARRED**.

Dated: , 2020

IT IS SO ORDERED.

Dated: February 5, 2020


Thomas J. McAvoy
Senior, U.S. District Judge